

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY, FLORIDA,

Plaintiff,

v.

Case No: 8:20-cv-2238-VMC-JSS

MERCEDES-BENZ USA, LLC,  
DAIMLER  
AKTIENGESELLSCHAFT, ROBERT  
BOSCH, LLC and ROBERT BOSCH  
GMBH,

Defendants.

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**ORDER**

THIS MATTER is before the Court on Plaintiff's Motion for Leave to Conduct Jurisdictional Discovery Related to Defendant Robert Bosch, LLC ("Motion") (Dkt. 99) and Defendant Robert Bosch, LLC's Response in Opposition (Dkt. 111). Upon consideration, the Motion is denied without prejudice.

Plaintiff commenced this action on September 24, 2020. (Dkt. 1.) On February 24, 2021, the Court stayed this case pending the outcome of a petition for certiorari to the United States Supreme Court. (Dkt. 81.) The Court lifted the stay on November 19, 2021. (Dkt. 97.) Thereafter, Plaintiff filed this Motion seeking leave to conduct jurisdictional discovery for sixty days against Defendant Robert Bosch, LLC ("Bosch LLC"). (Dkt. 99.) Simultaneously, Plaintiff joined Defendants Mercedes-Benz USA,

LLC, Daimler Aktiengesellschaft, and Bosch LLC (collectively, “Defendants”) to move the Court to stay discovery pending resolution of Defendants’ motions to dismiss. (Dkt. 104.) The Court denied the joint motion to stay discovery (Dkt. 105) and entered a Case Management and Scheduling Order directing the parties to complete discovery on or before August 8, 2022. (Dkt. 106.) As the parties have completed the Federal Rule of Civil Procedure 26(f) conference and the Court denied the joint motion to stay discovery, discovery is open and proceeding in accordance with the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 26(d) (providing that a party may not seek discovery before the Rule 26(f) conference). Therefore, it does not appear that Plaintiff requires leave to conduct jurisdictional discovery. *In re Zantac Prod. Liab. Litig.*, No. 20-md-2924, 2020 WL 6907056, at \*6 (S.D. Fla. Nov. 24, 2020) (“Federal Rule of Civil Procedure 26(b)(1) makes no distinction between jurisdictional discovery and merits discovery.”) (citing *Am. Civ. Liberties Union of Fla., Inc. v. City of Sarasota*, 859 F.3d 1337, 1340 (11th Cir. 2017)).

Accordingly, it is **ORDERED** that Plaintiff’s Motion for Leave to Conduct Jurisdictional Discovery (Dkt. 99) is **DENIED without prejudice**.

**DONE** and **ORDERED** in Tampa, Florida, on December 21, 2021.

  
JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record